



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,473	10/29/2003	Craig John Simonds	201-1111	6959
28415	7590	12/01/2005	EXAMINER	
PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP 695 KENMOOR S.E. P. O. BOX 2567 GRAND RAPIDS, MI 49501-2567			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/696,473	SIMONDS ET AL.	
	Examiner	Art Unit	
	Tuan C. To	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17, and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/15, 12/10/04, 02/22/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I, species A, claims 1-8, 17, and 18, in the reply filed on 09/19/2005 is acknowledged. The traversal is on the ground(s) that the restriction requirement fails to show that the process as claimed in Group II can be practiced by another materially different apparatus or by hand, and also fails to show any distinct characteristics for each of the species. The applicant further argues that there is no burden on the examiner.

This is not found persuasive because the following:

MPEP 808 cites the reasons for insisting upon a restriction requirement. The applicant admits in his response that the preamble in claim 1 is directed to a system for providing the same information recited in claim 9. The arguments are not persuasive since the process of claim 9 includes the steps that can be performed on a system of monitoring and diagnosing vehicle on-board devices from a management office, which shows that this system is quite different from the system represented in claim 1.

The restriction requirement shows that there are two single disclosed species A and B. The restriction to species is proper because the personal context information is user preferences and also address pointer, wherein user preferences and address pointer are quite distinct.

The examiner not only showed separate classification but also the reasoning why said group were restrictable (i.e, process/apparatus). Clearly, a burden exists when more than one invention is claimed and requires numerous class/subclass searches.

Art Unit: 3663

The requirement is still deemed proper and is therefore made FINAL.

An action on claims 1-8, 17, and 18 follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-8, 17, and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Ribak (US 20020085043A1).

With respect to claim 1, Ribak discloses a context-responsive display system and method for displaying information regarding the operation of in-vehicles devices and personalized context information as claimed. Referring to figure 5 of Ribak, the display system (10) having a plurality of buttons (90, 95, 100, 105, and 110) for accessing context information, and the display (130) is considered as a device for displaying the personalized context information or receiving the context information. Ribak also discloses an identifier for identifying the personalized context information which is the screen showing the identification of person who calling in. (Ribak, figure 5, 130). In Ribak, an individual driver's preferences are stored in a memory or processor (30)

Art Unit: 3663

(Ribak, page 6, paragraph 0086). In addition, as represented in page 7, paragraph 0087, Ribak further teach that the personal context information may be downloaded from a data storage device which is not limited to a diskette, a smart card, a memory stick and a microdrive, and also there is an interface for communicating said data storage device to one or more of the vehicle devices.

With regard to claim 2, Ribak disclosed that the personalized context information is stored from a PDA (see page 7, paragraph 0087).

With regard to claim 3, Ribak teaches that the input to the processor (30) (Ribak figure 3) includes an input from an auxiliary device such as Internet browser.

With regard to claim 4, Ribak shows that the display system as represented herein can receive personal user preferences from a PDA (Ribak, page 7, paragraph 0087).

With regard to claim 5, Ribak also discloses wireless interface (Ribak, page 6, paragraph 0081).

With regard to claim 6, Ribak discloses a plurality of audio devices (60) and that said audio devices may include the following: audio equipment, television, cellular telephone, or PDA. In addition, figure 3 shows that the processor (30) acts as a vehicle control module.

With regard to claim 7, the user preferences is represented herein comprises user preferences settings (Ribak, page 6, paragraph 0085).

With regard to claim 8, the data storage discussed above is portable (Ribak, page 7, paragraph 0087).

Art Unit: 3663

With regard to claim 17, as represented herein above, the individual driver's preferences are stored in a memory or processor (30) (Ribak, page 6, paragraph 0086). Thus, Ribak inherently disclose the address pointer that indicates the sources of the personal context information.

With regard to claim 18, Ribak shows that the display system is able to store the preferences of a number of drivers in a memory (Ribak, page 2, paragraph 0020).

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

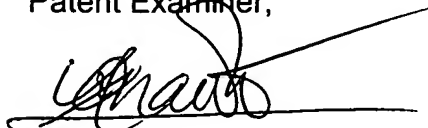
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/696,473

Page 6

Art Unit: 3663

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'T'.

Tuan C To

November 16, 2005